

COSMETICS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

197. Misbranding of toilet lanolin. U. S. v. 564 Tubes * * *. (F. D. C. No. 34587. Sample No. 54760-L.)

LIBEL FILED: February 10, 1953, Eastern District of Michigan; amended libel filed on or about February 18, 1953.

ALLEGED SHIPMENT: On or about December 5, 1952, by the American Pharmaceutical Co., Inc., from New York, N. Y.

PRODUCT: 564 cartoned tubes of toilet lanolin at Detroit, Mich. Examination of the product showed that it was a cream-colored, perfumed semisolid consisting principally of lanolin, water, and zinc oxide.

LABEL, IN PART: "APC—One Ounce Toilet Lanolin Beautifies, Soothes, Protects the Skin."

NATURE OF CHARGE: Misbranding, Section 602 (a), the label statement "Toilet Lanolin" was false and misleading since the article was not lanolin but was a mixture of lanolin with other ingredients.

DISPOSITION: March 11, 1953. Default decree of condemnation and destruction. On March 27, 1953, an amended decree was entered providing for the delivery of the product to a Federal institution for its use.

198. Misbranding of toilet lanolin. U. S. v. 31 Dozen Tubes * * *. (F. D. C. No. 33315. Sample No. 23491-L.)

LIBEL FILED: July 1, 1952, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 8, 1952, by VCA Laboratories, from Newark, N. J.

PRODUCT: 31 dozen tubes of toilet lanolin at Brooklyn, N. Y.

LABEL, IN PART: (Tube) "Harco One Ounce Toilet Lanolin * * * Harco Pharmaceutical Corporation * * * Newark New Jersey."

NATURE OF CHARGE: Misbranding, Section 602 (a), the labeling of the article contained statements which represented and suggested that the article was lanolin, which statements were false and misleading since the article was not lanolin but was a mixture of lanolin with other ingredients.

DISPOSITION: June 9, 1953. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

199. Misbranding of eyelash ointment. U. S. v. 11½ Cartons, etc. (F. D. C. No. 34193. Sample Nos. 39867-L, 39884-L.)

LIBEL FILED: November 5, 1952, Southern District of California.

ALLEGED SHIPMENT: On or about August 30 and October 6, 1952, by Wallace and Associates, Inc., from Phoenix, Ariz.

PRODUCT: Eyelash ointment. 11½ cartons of clear ointment and 15½ cartons of dark ointment at Los Angeles, Calif., together with a number of leaflets enclosed in the cartons and entitled "For Beautiful Eyelashes 'I Do' the Eye do of the Stars." Each full carton contained 12 ½-ounce jars.

LABEL, IN PART: "I Do the Eye do of the Stars."

NATURE OF CHARGE: Misbranding, Section 602 (a), the labeling of the article, namely, the jar labels and the leaflets, contained statements which represented and suggested that the article was effective for improving the growth, structure,

and thickness of the eyelashes, for stimulating eyelash growth, and for providing long, thick eyelashes, which statements were false and misleading since the article was not effective for such purposes.

DISPOSITION: November 26, 1952. Default decree of condemnation and destruction.

200. Misbranding of Hairmetique. U. S. v. 5 Jars, etc. (F. D. C. No. 34374. Sample No. 52332-L.)

LABEL FILED: November 28, 1952, District of New Jersey.

ALLEGED SHIPMENT: On or about October 16, 1952, by Hairmetique, Inc., from New York, N. Y.

PRODUCT: Hairmetique. 5 2-ounce jars of dark brown shade, 1 1-ounce jar of light brown shade, and 2 ½-ounce jars of warm brown shade at Newark, N. J., together with 97 leaflets entitled "Hairmetique. The Cosmetique for Hair Please Read Carefully." Examination showed that the shades called dark brown, light brown, and warm brown did not contain coal-tar colors, but were colored with iron oxide and carbon black.

The regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act provide for the certification of coal-tar colors, but other colors are not eligible for certification.

LABEL, IN PART: (Jars) "Hairmetique The Cosmetique For Hair."

NATURE OF CHARGE: Misbranding, Section 602 (a), the following statement appearing in the leaflets was false and misleading since it created the false impression that the colors used had been certified by the Food and Drug Administration: "All color used in Hairmetique is cosmetic pigment, government certified and approved by the Pure Food and Drug Act."

DISPOSITION: January 23, 1953. Default decree of condemnation and destruction.

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